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jurisdiction of the United States, in the Southern District of New York, ROBERT D. MELAND, the defendant, unlawfully, knowingly, and willfully did operate a motor vehicle in excess of the maximum posted speed limit to wit, the defendant operated a motor vehicle on Stony Lonesome Road at a speed of 37 MPH when the posted speed limit is 25 MPH.

(New York State Vehicle & Traffic Law, Section 1180(d)(1))

The basis for the deponent's knowledge and for the foregoing charges are, in part, as follows:

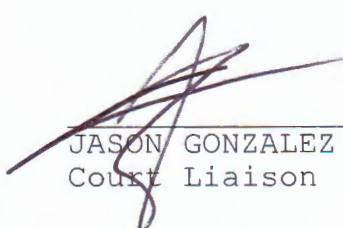
1. I am a Court Liaison, assigned to the Provost Marshal Office, at the United States Military Academy, West Point, New York, which is located in the Southern District of New York.
2. Upon information and belief, on or about May 8, 2019, at approximately 11:00 p.m., MP Officer, SPC Walker, was conducting speed enforcement on Stony Lonesome Road. SPC Walker observed a black in color Ford F-150 to be going 39 MPH down Stony Lonesome Road. SPC Walker confirmed with radar that vehicle was traveling 37 MPH in a 25 MPH zone. SPC Walker initiated a traffic stop on Stony Lonesome Road adjacent to Lusk pond.
3. When SPC Walker approached the driver, later identified at the defendant, he could smell the odor of an alcoholic beverage coming from the vehicle. SPC Walker asked for his driver's license and registration. SPC Walker asked the defendant where he was coming from and the defendant stated right outside base in Highland Falls. SPC Walker informed him he could smell alcohol coming from him and asked how much he had to drink. The defendant responded 3 beers. When the defendant was asked if he should be operating his vehicle and if he was ok, he did not respond. The defendant appeared to be very nervous and SPC Walker returned to his vehicle and called for assistance.
4. Patrol Supervisors, SGT Plazaola and SGT Nebocat arrived, SPC Walker briefed them on the situation. SPC Walker approached the defendant again and explained that his supervisor was coming and that they would be conducting tests on the side of the road and a portable breathalyzer. The defendant stated he would not pass any of them. SPC Walker asked the defendant to be honest and he stated he was drinking in Newburgh and had 3 beers and 1 shot of liquor.

5. SPC Walker noticed that the defendant was nervous and his hands were shaking. He noticed that the defendant's eyes were glassy and watery. SPC Walker asked the defendant to step out of the vehicle and conduct the walk and turn test on a painted line. SPC Walker noted that the defendant was having problems keeping his balance, missed putting his heel to toe and took the incorrect number of steps. SPC Walker next administered the one leg stand and noted that the defendant swayed, used his arms to keep balance, kept putting his foot down and did not count out loud. The defendant was administered a portable breath test and he blew a .138%. The defendant was then placed under arrest and taken to the PMO for processing.

6. While at the station, SGT Shepps administered the Horizontal Gaze Nystagmus and noted that both eyes did not pursue smoothly, noted distinct nystagmus at max deviation and nystagmus onset prior to 45 degrees. The defendant was also issued another breathalyzer using the DataMaster and the results revealed his BAC level was 0.12%.

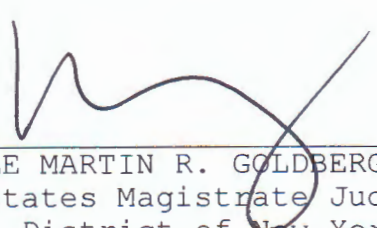
7. The defendant was processed and issued a United States District Court Violation for Driving while Intoxicated (DCVN 8005812/SY10) and United States District Court Violation for Speeding in Excess (11-25 MPH) (DCVN 8005811/SY10).

WHEREFORE, deponent prays that the above-named defendant be imprisoned or bailed, as the case may be.



JASON GONZALEZ
Court Liaison

Sworn to before me this
27th day of June, 2019



HONORABLE MARTIN R. GOLDBERG
United States Magistrate Judge
Southern District of New York